

MINUTES

UTAH BOARD OF NURSING MEETING

April 20, 2007

**Room 474 – 4th Floor –9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:15 a.m.

ADJOURNED: 12:25 p.m.

Bureau Manager:
Board Secretary:

Laura Poe
Shirlene Kimball

Conducting:

Pam Rice

Board Members Present:

Pam Rice
Marie Partridge
Joel Allred
Marilyn Johnson
Nancy Knape
Mary Williams
Diane Forster Burke

Board Members Excused:

Susan Kirby
Barbara Jeffries

Guests:

Eric Sisam, Westminster College
Jason Lindquist, Westminster College

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

March 30, 2007 Minutes:

The minutes were approved with corrections. All Board members in favor.

NEW BUSINESS:

Connie Call – Written discipline report:

Report reviewed. The following individuals are out of compliance: Bambi Koeller, Karen Christiansen, Keith Molsak and Laurie Barrett. Ms. Barrett would like to surrender her license and a surrender document has been mailed.

Education Committee report:

Ms. Forster-Burke indicated Education Committee members are working on rules to further define the

requirements for new and existing nursing education programs. She indicated if a program is nationally accredited and the NCLEX pass rate is lower than 5% below national average for two graduating cycles, a letter of warning will be sent. The program will have a period to make corrections, and if the corrections have not been made and the pass rate remains low after the fourth graduating class, the program will not be allowed to admit any more students. Provisionally approved programs that lack national accreditation will be sent a letter of warning after the second graduating cycle. The program will have to stop admitting students after the third graduating cycle.

Committee members also looked at qualifications for nursing directors/administrators and determined he/she would need to have two years experience in curricular development and the appropriate educational preparation.

Report on Utah Career College: A follow up letter will be sent indicating the program will have until June 1, 2007 to hire a qualified director.

Medication Aide Pilot Program:

Ms. Poe reported a testing agency has been found and the testing agency will begin to develop the examination.

Discussion regarding the length of time between graduation and passing the NCLEX examination:

Mr. Allred made a Motion that if an individual has not passed the examination within two years of graduation, he/she will have to submit a remediation plan for approval. If the remediation plan is approved, the individual would have, at the most, an additional year for a total of three years to pass the examination. If he/she has not passed after three years, the individual will need to retake the nursing program. Ms. Johnson seconded the Motion. All Board members in favor.

Ms. Forster-Burke indicated a student that is required to retake a nursing education program could not go back and obtain the same degree from the same institution and would have to enroll in a different nursing education program.

Discussion regarding Order to Show Cause

Ms. Poe indicated that the AG's office has made a

Hearings:

change to the Order to Show Cause Hearing process. She indicated in an effort to get to an Order to Show Cause quickly, the individual will be given an additional response time of two weeks and if the individual does not respond, a Motion for Default will be filed.

Ms. Poe also discussed with Board members the pilot program with Judge Eklund as the decision maker at Order to Show Cause Hearings. Mr. Allred indicated that Judge Eklund issues a lighter order than the Board may, but the process appears to be working smoothly. Ms. Poe indicated the Division makes a recommendation in each case, but those recommendations have not been followed in any of the hearings. Ms. Poe indicated that in most cases the Division did not have a problem with the final action, however, there was one case in particular where a fine was ordered and stayed and there was no punishment for the actions. A ruling was also made that an individual can go to a clinic where he/she would see multiple providers and it would be considered one prescribing practitioner. Mr. Allred stated there is the risk that Judge Eklund may not understand the issues.

Recommendation from the Board: There is concern about the observation role of the Board member who does not have input into the decision making at the Order to Show Cause Hearing. Board members indicated the Order to Show Cause Hearing should come back before the Board.

Ms. Johnson made a Motion to accept the Default Hearing process, but the Board should return to being the fact finders and makers of the recommended Order in the Order to Show Cause Hearings. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Divided into groups at 10:15 a.m.:

PROBATION INTERVIEWS:

Group 1

Conducting: Joel Allred

Secretary: Shirlene Kimball

Members present: Mr. Allred, Ms. Partridge, Ms. Forster-Burke and Dr. Williams.

Judy Teerlink,

Ms. Teerlink explained the circumstances that brought

New Order:

her before the Board. Ms. Teerlink stated she is not currently working and is having a difficult time finding a position because most of her working experience has been in management and her clinical experience is not up to speed. She stated she understands the terms and conditions of her order.

Gayle Stubbs,
Probation Interview:

Ms. Stubbs reported everything is going well. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not prescribed for her. She is current on all reports and appears to be in compliance with the terms and conditions of her probation. She indicated she will have been sober 4 years next month. She stated she has been attending NA meetings twice a week for five years and would like to drop attendance to 4 times a month. Committee members reviewed the Order and indicated she only needs to attend four meetings per month.

Sherry Mack,
New Order:

Ms. Mack has been rescheduled for next month.

GROUP 2
Conducting: Marilyn Johnson
Minute Taker: Laura Poe

Members present: Ms. Johnson, Ms. Knape and Ms. Rice.

Christopher Singer,
Probation Interview:

Mr. Singer was interviewed by Ms. Johnson. Mr. Singer indicated he learned a great deal from the prescribing class in Portland. Committee members recommended he apply for a controlled substance license. Mr. Singer appears to be in compliance with the terms and conditions of his order.

Kelli Hanson Northern,
Probation Interview:

Ms. Northern was interviewed by Ms. Knape. She has had some staffing issues at work but they seem to have been resolved. She claims to have been clean and sober for 6 years. She denies any thoughts of relapse or a relapse. She denies taking any medication not lawfully prescribed for her. Ms. Northern appears to be in compliance with the terms and conditions of her Order.

Sarah Jane Cormier,
New Order:

Ms. Cormier was interviewed by Ms. Rice. Ms. Cormier is an independent practitioner in Tooele. She was given a list of approved continuing education

courses that are available. The division will send a list of approved prescribing courses. She was told to contact Kim Lesh to arrange to pay her fine in installments. Ms. Cormier stated she understands the terms and conditions of her Order.

TOTAL BOARD BUSINESS:

Gina D'Ottavio,
Telephone Interview
New Applicant:

Ms. D'Ottavio is a new applicant who is licensed in California and has a surrendered license in Arizona. She answered yes to question number three on the qualifying questionnaire indicating her license was on probation in California. However, she stated that both the California and Arizona licenses were active in good standing. Ms. Poe reviewed with Board members information received from California and Arizona. Ms. D'Ottavio self reported an addiction problem while in California and was placed in the California Diversion program in 2002. She was terminated from the Diversion program in November 2004 because of a relapse. In April 2005 she signed a Stipulated settlement for 3 years, however, the California Board president did not sign the agreement until July 2005 and the probation began after that time. She voluntarily surrendered her Arizona license based on the California action and for her failure to disclose termination from the California diversion and failure to inform them of an investigation. Ms. D'Ottavio stated she was not aware of the Arizona action and that is why she failed to report the action on her Utah application. She stated Arizona sent her a surrender Order on January 18, 2007, but she wanted some changes made and sent it back to them February 2007. She did not disclose the action in Arizona because she had not yet signed the surrender order.

During her telephone interview she was asked to give a brief history of the actions that brought her before the Board. Ms. D'Ottavio stated she had applied for early release from the California Diversion because she was moving to Arizona. She stated she had a conflict with her case manager and did not feel she had a relapse in 2002 as reported by the California Board. Board members question why if she was in communication with Arizona, she answered no on her Utah application. She stated she thought her license

was in good standing. Ms. D'Ottavio stated she is currently living in California and the license is on probation. She reported her sobriety date is 2000. She indicated she took two pills that were prescribed for her in 2002, and even though it was her drug of choice, she does not feel she had a relapse because it was prescribed. She stated her California probation should be over in July 2008, however, she can request early release, but has not requested it. She needs to complete a course in ethics prior to the California termination. She stated she has a letter from the prescribing practitioner from 2002 and will send that to the Board.

Discussion/Recommendations: Mr. Allred stated he is concerned she completed a treatment program and then accepted a prescription for her drug of choice. Board members would like to see the letter she referred too from the prescribing practitioner in 2002 that indicates he knew of her addiction and her drug of choice. Ms. Knape made a Motion to request a letter from her explaining the circumstances which led to her termination from the California Diversion program; an explanation for missed California urine screens while on probation; a letter from the California probation monitor documenting her compliance with the terms of her probation and a letter from the prescribing practitioner in 2002. Once this information is received and if it is positive in her favor, her license can be issued on a three year probation with the standard terms and conditions with the modification that she can have access to controlled substances and can call in prescriptions to a pharmacy. Prior to issuing the license she will have to complete the California action and all requirements including the ethics course. If the information is not positive, the application will be brought back to the board. Dr. Williams seconded the Motion. All Board members in favor.

Report from Probation Committee:

Gayle Stubbs: Committee members recommend her Order be amended to allow her to attend four NA meetings per month. All Board members in favor.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

June 22, 2007
Date Approved

(ss) Pam Rice
Pam Rice, Chair Board of Nursing

June 22, 2007
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational &
Professional Licensing